



michigan league of conservation voters

213 W. Liberty St., Ann Arbor, MI 48104
www.michiganlcv.org

Testimony on SB 1052
Michigan Senate
Committee on Natural Resources, Environment, and Great Lakes

Dear Senators,

The Michigan League of Conservation Voters opposes SB 1052.

Shoreline management activities are currently allowed under a general permit system which, by all accounts, is working. SB 1052 would instead deregulate activities between the ordinary high water mark and the water's edge, removing important environmental oversight and threatening public access to Great Lakes shorelines.

In eliminating the permit process by which the DEQ ensures that public trust rights are protected, SB 1052 creates a scenario whereby there is no impediment to landowners erecting barriers, such as fences, to block the public's shoreline access. While the public would still have the legal right to walk the shoreline, they would lose the physical ability to do so, discouraging tourism and lakeside economies.

SB 1052 similarly removes the DEQ's ability to ensure that shoreline management activities do not cause ecological harm to lakeshore wetlands. The general permit system currently in place was a compromise solution which allows reasonable shoreline management activities while maintaining the DEQ's ability to protect shoreline wetlands. In fact, only four general permits have been denied in the past five years, and those were in situations where there was a less harmful alternative or the proposed activities would have caused ecological harm.

The Michigan Supreme Court, in its 2005 *Glass v. Goeckel* decision, held that lands between the ordinary high water mark and the waters edge were part of the public trust. The public has a right to walk along the shoreline in that zone, which is preserved by the state's retention of public trust rights as trustee for the people of Michigan. The court quoted that "***The state, as sovereign, cannot relinquish this duty to preserve public rights in the Great Lakes and their natural resources.***"¹

¹ *Glass v. Goeckel*, 703 N.W.2d 58 at 65 (Mich. 2005)

SB 1052, while lacking the authority to relinquish the state's duty to preserve public trust rights in the zone between the ordinary high water mark and water's edge, nevertheless seeks to relinquish the state's enforcement of the public trust rights it is duty-bound to preserve.

The current system is working. There is no need to change it. Littoral landowners have the ability, through the general permit, to perform beach maintenance activities while maintaining the state's ability to fulfill its duty to preserve public trust rights in the Great Lakes shoreline. This unnecessary bill would upset that balance and threaten public access rights.

Therefore, we urge you to vote "no" on SB 1052.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Younge Dyke", written over a horizontal line.

Drew YoungeDyke
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